

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Corey Davis,  
plaintiff,

v.

Joy Brown and PODS Inc.,  
defendants.

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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **APR 15 2013** ★

LONG ISLAND OFFICE

12-cv-1906

*SJF-ETB*

MOTION TO COMPEL THE  
PRODUCTION OF DOCUMENTS

**RECEIVED**

APR 17 2013

EDNY PRO SE OFFICE

Now comes plaintiff, Corey Davis, pro se, seeking an Order from this Court compelling defendant Joy Brown, the Federal Bureau of Investigation, and the United States Postal Service to comply with the Federal Rules of Civil Procedure, by providing the plaintiff records and documents which he has requested and is entitled to receive.

JOY BROWN

By letter dated November 21, 2012 the plaintiff served the defendant Joy Brown with a request for the production of documents. This letter is attached to this motion as Exhibit A. The letter was served via certified United States Mail. The

plaintiff has received the return receipt indicating the letter was received by the defendant.

To date Joy Brown has not complied with, nor responded to, the request in any way. She has in fact communicated to witnesses that she will not provide the plaintiff any of the documents he has requested. The plaintiff respectfully requests this court to issue an Order compelling Joy Brown to immediately comply with the plaintiff's discovery request.

#### FEDERAL BUREAU OF INVESTIGATION

On December 6, 2012, the plaintiff, via certified U.S. mail, served the Federal Bureau of Investigation with a subpoena for the production of documents related to its interaction with defendant Joy Brown. These documents were to be provided to the plaintiff on or before January 15, 2013. See Exhibit B. However, that has date passed and the plaintiff has received no response from the FBI at all.

The plaintiff tracked the certified mail number and was unable to confirm the delivery of the subpoena. Therefore, on January 22, 2013 the plaintiff again served the FBI with the subpoena via certified U.S. mail. Plaintiff requested he be provided the documents by no later than March 1, 2013. See Exhibit C. This subpoena was received and signed for by the FBI on February 1, 2013. See Exhibit D. The plaintiff has also confirmed that the original subpoena that he mailed to the FBI was received and signed for on January 21, 2013. See Exhibit E. To date the FBI has not responded to the plaintiff's subpoena in any way.

In the plaintiff's complaint he filed in this matter, he alleged that both Joy Brown and PODS Inc. were intentionally negligent causing the plaintiff a total loss of his personal property. The plaintiff alleged that Joy Brown intentionally failed to maintain current, the rental fees she had assumed responsibility for. Plaintiff specifically alleged that defendant Brown's actions were borne out of animus developed through her cooperation with law enforcement. The requested information is material. It is essential in establishing facts directly related to the plaintiff's claims.

Wherefore, the plaintiff respectfully requests that this court issue an Order compelling the FBI to immediately provide the plaintiff with all of the requested documents.

#### UNITED STATES POSTAL SERVICE

On January 22, 2013 the plaintiff served the United States Postal Service, via certified U.S. mail, a subpoena for the production of documents. The plaintiff requested that these documents be provided to him on or before February 20, 2013. See Exhibit **F**. This subpoena was received and signed for by the U.S. Postal Service on February 4, 2013. See Exhibit **G**. To date, the plaintiff has not received the subpoenaed records, nor any response at all from the United States Postal Service.

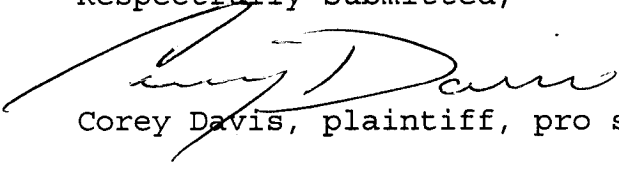
In his complaint the plaintiff alleged that defendant PODS Inc. failed to properly notify defendant Joy Brown of the impending sale of the plaintiff's property. Under New York

State law, N.Y. Code - Section 182: Self-service Storage Facilities, when a storage facility moves to enforce a lien, via the sale of goods to satisfy fees due, that storage facility shall provide the occupant (Renter) adequate notice. "The notice shall be personally delivered to the occupant, or sent by registered or certified mail, return receipt requested, to the occupant to the last address provided by the occupant, pursuant to the occupancy agreement." N.Y. L.I.E. LAW § 182(7).

The requested records from the United States Postal Service are material. They are necessary to evidence whether or not, defendant PODS Inc. did, in fact, comply with the governing laws of the State of New York. Wherefore, the plaintiff respectfully requests this court to issue an Order compelling the United States Postal Service to immediately provide the plaintiff with the records requested in his subpoena.

The plaintiff thanks the Court for its consideration in this matter.

Respectfully Submitted,

  
Corey Davis, plaintiff, pro se

April 4, 2013

# Exhibit A

Mr. Corey Davis  
U.S.P. Tucson  
P.O. BOX 24550  
Tucson, AZ 85734  
November 21, 2012

Ms. Joy Brown  
145 Clermont Avenue  
Hempstead, New York 11550  
Certified Mail No. 7012 1640 0001 1765 6476

Re: Davis v. Brown, PODS Inc.

Dear Joy:

As you know, I am the plaintiff in the above titled action. Pursuant to the Federal Rules of Civil Procedure, I am requesting that you provide me the following records by the 6th day of December 2012:

1. A copy of the rental agreement you entered into with PODS Inc.
2. Copies of any and all invoices you received from PODS Inc. in relation to your rental of a pod to store my property.
3. Any other letters, notices, and or correspondence you received from PODS Inc. in relation to your rental of a pod to secure my property.
4. Copies of any and all checks and or money orders remitted to PODS Inc. for payment of rental fees related to your rental of a pod to store my property.

5. Copies of any delinquency notice(s) received by you from PODS Inc. related to your rental of a pod to secure my property.

6. The name(s) of any law enforcement agency that you had any contact with between the years 2006 to 2012.

7. The name(s) and title(s) of any law enforcement officer/agent that you had any contact with between the years 2006 to 2012.

8. Copies of any agreements and or waivers entered into by yourself and any law enforcement agency.

9. Copies of any warrants and or subpoenas issued for yourself between the years 2006 to 2012.

10. A list of all telephone numbers, landline or cellular, used by you between the years 2006 to 2012. This request includes the name(s) the telephone was registered to.

11. The name of the bank(s) and bank account number(s) owned and or utilized by you between the years 2006 to 2012.

12. Copies of any and all of your bank statements for each and every account between 2006 and 2012.

13. Your complete income tax filings and returns for the years 2006 to 2012.

14. The names of all credit and charge card accounts you have held since 2006.

As a defendant in a civil suit in Federal Court you have an obligation to provide the records requested herein. If you fail to do so, I, as the plaintiff have the right to seek a Court Order directing you to provide the records. If you still do not provide me the records the Court can hold you in

contempt and or impose a sanction against you which could be a monetary fine.

On October 11, 2012 you were required to participate in a telephonic conference with the Court in this matter. You did not attend and to date, have still not responded to the lawsuit. I could at this point file a motion for summary judgement. If granted, this would enter a judgement against you in the full amount of the suit which is \$660,000. I have not moved for summary judgement. However, if you do not comply with this document request I will move for summary judgement against you. I would advise you to turn these records over to me within the 14 day requirement under the law, or to hire a lawyer and file objections to this document request.

I will greatly appreciate your cooperation in this matter.

Very Truly Yours,

Corey Davis @42898-053



# Exhibit B

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Corey Davis

Plaintiff

v.

Joy Brown, PODS Inc.,

Defendant

Civil Action No. 12-CV-1906

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Federal Bureau of Investigations

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: (SEE ATTACHED PAGE)

Place: United States Penitentiary- Tucson, Arizona 84734	Date and Time: On or Before January 15, 2012
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: December 6, 2012

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party)

Corey Davis, plaintiff prose, who issues or requests this subpoena, are:

Corey Davis #42898-053 P.O. BOX 24550 Tucson, Arizona 85734

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**

**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Mr. Corey Davis  
U.S.P. Tucson  
P.O. BOX 24550  
Tucson, AZ 85734  
December 6, 2012

Federal Bureau of Investigations  
950 Pennsylvania Ave., NW  
Washington, D.C. 20535  
Certified Mail No. 7012 1640 0001 1765 8494

Re: Subpoena

Dear Legal:

This is the attached page to the enclosed subpoena for the following documents:

1. Any and all records, in the possession of the Federal Bureau of Investigations, of any FBI contact and or communications with Joy N. Brown, date of birth July 20, 1975 between the years 2006 and 2012. This includes, but is not limited to, any recorded telephone calls, records of telephone calls, cooperation agreements, waivers, statements, subpoenas, 302's, scratch notes, photographs and video footage.
2. The name(s), title, telephone number, address, and e-mail address for any FBI employee who interviewed or had any contact with Joy N. Brown between the years 2006 and 2012.
3. Any and all records, in the possession of the FBI, of any and all FBI contact with Chester B. Davis, date of birth August 23, 1944 between 2006 and 2012. This request includes,

but is not limited to, recorded telephone conversations, records of telephone calls, cooperation agreements, waivers, statements, subpoenas, 302's, scratch notes, photographs and video footage.

4. The name(s), title, telephone number, address and e-mail address for any FBI employee who interviewed or contacted Chester B. Davis in any way between the years 2006 and 2012.

5. Any and all records, in the possession of the FBI, of any and all contact with Charvon Davis-Pierce, date of birth June 4, 1970, between the years 2006 and 2012. This includes, but is not limited to, recorded telephone conversations, records of telephone calls, cooperation agreements, statements, waivers, subpoenas, 302's, scratch notes, photographs and video footage.

6. The name(s), titles, telephone number, address and e-mail address for any FBI employee who interviewed or contacted Charvon Davis-Pierce in any way between 2006 and 2012.

7. Any and all records, in the possession of the FBI, of any and all contact with Chester B. Davis, date of birth September 29, 1966 between the years 2006 and 2012. This includes, but is not limited to, recorded telephone conversations, records of telephone calls, cooperation agreements, statements, waivers, subpoenas, 302's, scratch notes, photographs and video footage.

8. The name(s), title, telephone number, address and e-mail address of any FBI employee that interviewed or contacted Chester B. Davis, date of birth September 29, 1966, in any way between 2006 and 2012.

9. Any and all records, in the possession of the FBI, of any

# Exhibit C

Mr.Corey Davis  
U.S.P. Tucson  
P.O. BOX 24550  
Tucson, AZ 84735  
January 22, 2012

Federal Bureau of Investigations  
950 Pennsylvania Avenue., NW  
Washington, D.C. 20535  
Certified Mail No. 7012 3050 0001 1126 0652

Re: Subpoena

Dear Legal:

Enclosed please find a copy of a subpoena I attempted to serve upon your office via Certified U.S. Mail. I have not received the return receipt and the Postal Service has not been able to confirm that it has been delivered. Therefore, I am serving your office with another copy of the subpoena. I ask your office to please provide me the requested records by no later than March 1, 2013.

I thank you for your prompt attention to this matter.

Very Truly Yours,

Corey Davis @42898-053

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Corey Davis

*Plaintiff*

v.

Joy Brown, PODS Inc.,

*Defendant*

Civil Action No. 12-CV-1906

(If the action is pending in another district, state where: )

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To: Federal Bureau of Investigations

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: (SEE ATTACHED PAGE)

Place:

United States Penitentiary-  
Tucson, Arizona 84734

Date and Time:

On or Before January 15, 2012

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: December 6, 2012

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party)

Corey Davis, plaintiff pro se

, who issues or requests this subpoena, are:

Corey Davis #42898-053 P.O. BOX 24550 Tucson, Arizona 85734



**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**

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(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

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Mr. Corey Davis  
U.S.P. Tucson  
P.O. BOX 24550  
Tucson, AZ 85734  
December 6, 2012

Federal Bureau of Investigations  
950 Pennsylvania Ave., NW  
Washington, D.C. 20535  
Certified Mail No. 7012 1640 0001 1765 8494

Re: Subpoena

Dear Legal:

This is the attached page to the enclosed subpoena for the following documents:

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2. The name(s), title, telephone number, address, and e-mail address for any FBI employee who interviewed or had any contact with Joy N. Brown between the years 2006 and 2012.
3. Any and all records, in the possession of the FBI, of any and all FBI contact with Chester B. Davis, date of birth August 23, 1944 between 2006 and 2012. This request includes,

but is not limited to, recorded telephone conversations, records of telephone calls, cooperation agreements, waivers, statements, subpoenas, 302's, scratch notes, photographs and video footage.

4. The name(s), title, telephone number, address and e-mail address for any FBI employee who interviewed or contacted Chester B. Davis in any way between the years 2006 and 2012.

5. Any and all records, in the possession of the FBI, of any and all contact with Charvon Davis-Pierce, date of birth June 4, 1970, between the years 2006 and 2012. This includes, but is not limited to, recorded telephone conversations, records of telephone calls, cooperation agreements, statements, waivers, subpoenas, 302's, scratch notes, photographs and video footage.

6. The name(s), titles, telephone number, address and e-mail address for any FBI employee who interviewed or contacted Charvon Davis-Pierce in any way between 2006 and 2012.

7. Any and all records, in the possession of the FBI, of any and all contact with Chester B. Davis, date of birth September 29, 1966 between the years 2006 and 2012. This includes, but is not limited to, recorded telephone conversations, records of telephone calls, cooperation agreements, statements, waivers, subpoenas, 302's, scratch notes, photographs and video footage.

8. The name(s), title, telephone number, address and e-mail address of any FBI employee that interviewed or contacted Chester B. Davis, date of birth September 29, 1966, in any way between 2006 and 2012.

9. Any and all records, in the possession of the FBI, of any

and all FBI contact with Sintera M. Graham, date of birth January 19, 1972 between the years 2006 and 2012. This includes, but is not limited to, recorded telephone conversations, records of telephone calls, cooperation agreements, statements, waivers, subpoenas, 302's, scratch notes, photographs and video footage.

10. The name(s), titles, telephone numbers, address and e-mail address of any FBI employee who interviewed or contacted Sintera Graham in any way between 2006 and 2012.

This request is made for information obtained and accumulated, by the FBI throughout its investigation of Corey Davis AKA "Magnificent," date of birth February 13, 1972. The FBI file number is 31-NH-44050. These requested records may have also been generated throughout a parallel investigation for money laundering and wire fraud, where Corey Davis, Chester B. Davis, and Chester B. Davis (III) were the subjects of the investigation.

Exhibit D

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

*Federal Bureau of Investigation  
950 Pennsylvania Ave, NW  
Washington, D.C. 20535*

## 2. Article Number

(Transfer from service label)

7012 3050 0001 1126 0652

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

**X**☐ Agent☐ Addressee

## B. Received by (Printed Name)

*W Jones / DW*

## C. Date of Delivery

*2-7-13*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

**Exhibit E**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Federal Bureau of Investigation  
950 Pennsylvania Ave., NW  
Washington, D.C. 20535*

2. Article Number

(Transfer from service label)

7012 1640 0001 1765 8494

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**☐ Agent☐ Addressee

B. Received by (Printed Name)

*OW Jones*

C. Date of Delivery

*1/21/13*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



**Exhibit F**

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**

**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Mr. Corey Davis  
U.S.P. Tucson  
P.O. BOX 24550  
Tucson, AZ 85734  
January 22, 2013

United States Postal Service  
Office of Inspector General  
475 L'Enfant Plaza SW  
Washington, D.C. 20260  
Certified Mail No. 7012 3050 0001 1126 0669

Re: Subpoena

Dear Postmaster:

This is the attached page to the enclosed subpoena for the following documents:

1. All processing information in your agency's possession related to certified mail number 7008 3230 0003 5591 6064. This includes, but is not limited to, the date and time this mail was initially, and subsequently, processed by the United States Postal Service.
2. All delivery information in your agency, possession related to certified mail number 7008 3230 0003 5591 6064. This includes, but is not limited to, the date and time this mail was delivered, attempted to be delivered, and or returned to the sender undelivered.
3. All documents reflecting the U.S. Postal Service's retention policy as it pertains to the maintenance and

destruction of certified mail processing and delivery information. Specifically, any and all documents showing for how long, and in what manner these records are required to be preserved prior to being destroyed.

I thank you for your prompt attention to this matter.

Very Truly Yours,

Corey Davis @42898-053

# Exhibit G

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

U.S. Postal Service  
Office of Inspector General  
475 Constitution Plaza, SW  
Washington, D.C. 20260

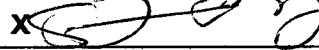
## 2. Article Number

(Transfer from service label)

7012 3050 0001 1126 0669

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

☒ Agent☐ Addressee

## B. Received by (Printed Name)

Ar. Bartholomeu

## C. Date of Delivery

2-4-13

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
Corey Davis

Plaintiff(s),

AFFIRMATION OF SERVICE

-against-

Joy Brown and PODS Inc.,


12-CV-1906 (SJF)( )

Defendant(s).  
-----X

I Corey Davis, declare under penalty of perjury that I have  
served a copy of the attached Motion To Compel  
upon defendants Joy Brown and PODS INC.  
by mailing it to Joy Brown and Attormey Marc I Kunkin, attorney for  
PODS Inc.  
whose address is: 145 Clermont Avenue Hempstead, NY 11550 and  
45 Broadway, Suite 1500, New York, NY 10006, respectively.

Dated: April, 4, 2013

Central Islip, New York

  
Signature

U.S.P. Tucson P.O. BOX 24550  
Address

Tucson, AZ 85734  
City, State & Zip Code

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Corey Davis

*Plaintiff*

v.

Joy Brown, PODS Inc.

*Defendant*

Civil Action No. 12-cv-1906

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: United States Postal Service

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

(SEE ATTACHED PAGE)

Place: United States Penitentiary Tucson P.O. BOX 24550 Tucson, Arizona 85734	Date and Time: On or Before February 20, 2013
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: January 20, 2013

CLERK OF COURT

OR

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

\_\_\_\_\_  
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_

Corey Davis

, who issues or requests this subpoena, are:

P.O. BOX 24550 Tucson, Arizona 85734



